

Notice of Allowability

Application No.

09/888,280

Applicant(s)

WARREN, PETER

Examiner

Art Unit

Bing Q. Bui

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment filed on 19 September 2005.
2. ☒ The allowed claim(s) is/are 15, 17-22 and 28-33 (renumbered as 1-13, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 9/19/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Examiner's REMARKS: Applicant's Corrected DRAWINGS filed on 19 September 2005 have been accepted by Examiner.
Any inquiry concerning this communication should be directed to Bing Bui, Tel. No. (571) 272-7482.

DETAILED ACTION

Response to Amendment

1. Applicant's Amendment filed on 19 September 2005 has been entered. No claims have been amended. Claims 1-14, 16 and 23-27 have been cancelled. Claims 28-33 have been added. Claims 15, 17-22 and 28-33 are still pending in this application, wherein claims 15, 28, 29, 30 and 32 being independent.

Allowable Subject Matter

2. Claims 15, 17-22 and 28-33 (renumbered as 1-13, respectively) are allowed.

3. The following is an examiner's statement of reasons for allowance:

The invention as now claimed is not disclosed or rendered obvious in view of the prior art of record. As to claims 15, 28, 29, 30 and 32, the prior art of record fails to teach or suggest, alone or in combination, the recited wearable device for use with an eyeglasses frame and for audio communication with a remote electronic device comprising a member having at least one connector adapted to removably mount the member onto the eyeglasses frame, and a microphone and at least one speaker both coupled to the member, wherein the member comprises a lens holder and the connector comprises a clip adapted to removably mount the clip-on lens holder onto a lens holder of the eyeglasses frame, a frame or sheet and the connector is formed by a bent section thereof and adapted to removably mount the frame or sheet onto a support arm of the eyeglasses frame, a first and a second extension arms where the microphone and the speaker are respectively coupled to, wherein the microphone is

directional and oriented toward a user's mouth when wearing the eyeglasses, and the speaker is directional and oriented toward the user's ear when wearing the eyeglasses as set forth in the recited claims.

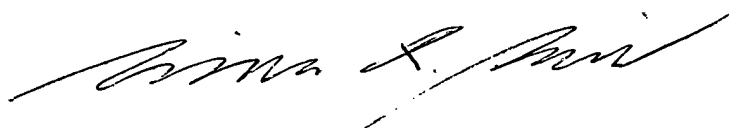
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (571) 272-7482. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300 and for formal communications intended for entry (please label the response ☐EXPEDITED PROCEDURE☐) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

23 NOV 2005



BING Q. BUI
PRIMARY EXAMINER